

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:04-CR-165
)	(Phillips)
GREGORY E. SMITH)	

ORDER

This matter is before the court on the government's motion for downward departure pursuant to Rule 35(b), Federal Rules of Criminal Procedure [Doc. 45]. No opposition has been received to the motion. Accordingly, the government's motion for downward departure is **GRANTED**.

IT IS HEREBY ORDERED that defendant's sentence is reduced from 120 months to **one hundred (100) months**.

All other provisions of the judgment [Doc.42] shall remain as previously ordered by the court.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge